THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27181 OF 2005

DATED:21.12.2005

Between:

Appana Venkata Laxmi

…Petitioner

And

The District Collector, East Godavari District

At Kakinada and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27181 OF 2005

ORDER:

The petitioner is a resident of Pasarlapudi Village of Mamidikudur Mandal, East Godavari District. She was allegedly granted eksal lease patta by proceedings dt.11.8.2003 of the third respondent in respect of the land admeasuring Acs.0.50 in R.S.No.369 of Pasarlapudi Village. She appears to have planted coconut trees and using the land for cultivating vegetables. According to her, the lease was extended

subsequently upto 30.6.2007. Second respondent herein issued a show cause notice on 28.11.2005 requiring the petitioner to show cause as to why the eksal lease should not be cancelled on the ground that the eksal lease granted to the petitioner earlier was not in accordance with Board Standing Order 15-A and that it was illegal. It was also alleged in the show cause notice that the land, which was given to the petitioner, is a burial ground for over a century and by reason of the lease granted to the petitioner, the villagers of B.Doddavaram are facing inconvenience. After receiving show cause notice, the petitioner submitted explanation to second respondent on 9.12.2005 and even before the same could be considered and appropriate orders are passed, instant Writ Petition is filed seeking invalidation of the show cause notice.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). The learned counsel for the petitioner submits that the land given to the petitioner is not a burial ground and that due to political reasons third respondent issued show cause notice. This allegation is refuted by the learned Assistant Government Pleader.

It is now axiomatic that at the stage of show cause notice without there being any decision or order, the power of judicial review under Article 226 of the Constitution of India cannot be exercised. Even if a ground is urged that the public authority issuing show cause notice has no jurisdiction, such question can also be raised by appearing before the issuing authority (See **Special Director v. Mohd. Ghulam Ghouse**) Therefore, this Court is not inclined to entertain the Writ Petition. However, second respondent is directed to dispose of the matter within a period of ten days from the date of receipt of this order after giving an opportunity to the petitioner of being heard.

The Writ Petition with the above observations and directions is accordingly dismissed.

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(V.V.S.RAO, J)

21.12.2005

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Note:Issue C.C. by 23.12.2005.

(B.O)

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